

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF IONIA

 CERES FARMS, LLC, an
 Indiana limited liability
 company, and FARMLAND
 CAPITAL SOLUTIONS, LLC,
 an Indiana limited
 liability company,

Plaintiffs,

vs.

NEW HEIGHTS FARM I, LLC, a
 Michigan limited liability
 company, and NEW HEIGHTS
 FARM II, LLC, a Michigan
 limited liability company,

Defendants.

CASE NO. 21-K-34902-CB

HON. SUZANNE HOSETH-KREEGER

The Virtual Deposition of ANDY POTTER, taken
 before me, Patricia J. Hankerd, CSR-5430, Notary
 Public for the County of Jackson, on Thursday,
 February 10, 2022, via ZOOM, commencing at or about
 1:30 p.m.

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1 **APPEARANCES :**

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8 Appearing Virtually on Behalf of the
9 Plaintiffs.

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16 Appearing Virtually on Behalf of the
17 Defendants, New Heights.

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21 Cincinnati, Ohio 45236
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23 Appearing Virtually on Behalf of the
24 Great American.

25 **ALSO PRESENT VIRTUALLY:**

 STACY BOERSON
 NICK BOERSON

1 earlier, you have the moisture rating on your reports.
2 Is that a moisture rating that you determined, or how
3 did that come about?

4 A. It is determined about like test weight. I mean, we
5 just, I don't know, put our heads together. And, I
6 mean, most people know that you don't put any, you
7 know, super wet corn in a grain bin because you don't
8 want it to go bad. So we just put our heads together
9 and said, you know, this is -- is this a good number
10 for -- for moisture. And they had, I mean, a sample
11 that was out of their bin that they -- they ran that
12 day. And they said, Well, this is the moisture this
13 day; and it's, you know, all right. This is the
14 moisture this day.

15 Q. And from your experience, you were comfortable with
16 that number?

17 A. Yes. I was -- I mean, those numbers that we
18 originally settled on, I was very comfortable with
19 them. I mean, they were happy. I was happy with
20 them. I mean, I didn't see any need for -- to
21 question any of those numbers.

22 Q. All right. Now, didn't Stacy indicate back in
23 February or March of 2020 she didn't provide the MAC
24 records because she understood you were only asking
25 for records for counties with losses?

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1 A. That was the e-mail or the -- I guess what was told
2 back to me. But when I was there, I said, Hey, let's
3 get everything and put everything together instead of
4 just leaving one county out.

5 Q. Okay.

6 A. It just cleans up the paperwork on my end, I guess,
7 because then I don't have questions of why am I
8 leaving this county out when this claim gets turned
9 in.

10 Q. All right. Ballpark how many -- how many claims were
11 you handling for 2019, do you recall, as an
12 adjuster?

13 A. I could ballpark it at like 75 throughout the season.
14 It might have been a little more than that, but a good
15 load of it was in the spring for all of the preventive
16 plant. And then all of those would have been worked
17 and done by the summer, and then we would have started
18 again in the fall. And I think I had, like I say, 75,
19 80 claims. Somewhere thereabouts for the year.

20 Q. How does the size of New Heights Farm I and II's
21 operation of about 9,000 acres each, how does that
22 compare to the other farms that you were working
23 claims for?

24 A. So out of everything, they were by far the largest.
25 But if you -- I mean, I don't know. I looked at it

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1 at the APH, for example, for New Heights Farm?

2 A. Is -- I guess, as far as looking back at the APH, what
3 do you mean by that?

4 Q. Do you do any analysis of that in part of your process
5 here that you described today?

6 A. I do not. We work with the information that we are
7 given in front of us. We don't look back into other
8 claims or anything that way -- or I do not anyhow.

9 Q. At some point, did -- as part of your work at trying
10 to measure harvest and such, did you ask for the
11 machine harvest records from Stacy?

12 A. I never did, no.

13 Q. Okay. Have you had any contact with Helena
14 Agri-science or Helena -- any type of Helena
15 company?

16 A. I have not.

17 Q. Just a few more questions and then we'll be done. Did
18 you have any training -- I think you said you started
19 in early 2019 as an adjuster. Any training by
20 Great American or otherwise for being an adjuster?

21 A. Yes. We ride around with experienced adjusters for --
22 I mean, depending on how fast you pick up this stuff.
23 If have you an ag background and you've been in
24 production agriculture, you pick this up a lot faster
25 than a person that, I mean, has no agriculture

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